THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2210 of 2007

Between:

Ch.Narayana Murthy.

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PETITIONER

and

Executive Engineer,
Scheduled Caste Corporation (Engg. Wing).

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RESPONDENT

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ORDER:

This writ petition has been filed seeking writ of

Mandamus for declaring the action of the respondent in not issuing the work order in pursuance of the resolution, dated 27-12-2006, passed by the Sarpanch, Grampanchayat, S.M.Puram, Etcherla Mandal, Srikakulam District, and in not considering the representation, dated 05-01-2007, as arbitrary and illegal, and consequently direct the respondent to issue work order pertaining to the repairs of A.P.R.School (Boys), S.M.Puram.

It is stated that A.P.Residential Educational Institution Society, Hyderabad, issued proceedings, dated 03-10-2006, sanctioning an amount of Rs.8,00,000/- for A.P.Residential Institutions in Srikakulam District, for the purpose of undertaking repairs to the school buildings, which have been damaged due to cyclone/floods/heavy rains in the month of August, 2006. Out of the said amount, a sum of Rs.6,00,000/- has been allotted to A.P.R.School (Girls), Vomaravalli, to carry out repairs to toilet block, septic tank, etc., and Rs.2,00,000/- to A.P.R.School (Boys), S.M.Puram, to carry out repairs to roof leakage of Dormitory hall. The said work is directed to be entrusted to the respondent Corporation.

While so, the District Collector, Srikakulam, issued a circular, dated 06-10-2006, informing all the executing agencies, including the respondent, that administrative sanction has been issued for the works proposed by the executing agencies i.e., Irrigation, Panchayatraj, R & B, M.A. and U.D.Departments, pertaining to the restoration of flood damage works, due to floods in the month of July and August 2006 and all the executing agencies have been instructed to

follow the guidelines given by the Government from time to time regarding entrustment and execution of works.

In pursuance of the said circular, the Sarpanch of S.M.Puram Gram Panchayat, passed a resolution, in the General Body Meeting held on 27-12-2006, appointing the petitioner as Chairman, Village Level Committee (Works), and entrusting the said work of Rs.2,00,000/- for undertaking repairs to A.P.R.School (Boys), S.M.Puram, which got damaged on account of floods and heavy rains in the month of August, 2006. Though the said resolution has been communicated, the respondent has not issued the work order to enable him to undertake the said repair works. Therefore, he made a representation to the respondent on 05-01-2007 and the same is pending.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion whether the petitioner has got any legal right or not entitling him to execute the said work. However, the petitioner appears to have been filed a representation before the respondent on 05-01-2007 and the same is pending. Therefore, I am of the opinion that it is just and proper to direct the respondent to dispose of the said representation itself.

Accordingly, the writ petition is disposed of directing the respondent to consider and dispose of the representation, dated 05-01-2007, as expeditiously as possible. There shall be no order as to costs.

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08-02-2007

Note:

Issue C.C. in two days

(B/o)

Prv